



### **Background**

1. On May 16, 2019, Cindy Farnor (“Plaintiff”) filed a complaint (“Complaint”) against Defendants in the Circuit Court of the City of Richmond, Case No. CL19002597-00. *See Exhibit A*. Copies of all process and the pleadings from that matter are attached as *Exhibits B-C*.

2. On May 29, 2019, Defendant Asbury Automotive North Carolina, LLC (“Asbury”) was served with a summons and a copy of the Complaint. *See Exhibit B*.

3. On June 25, 2019, the Defendants filed an Answer in the Circuit Court for the City of Richmond effectively waiving service on the remaining Defendants.

### **Jurisdiction**

4. Diversity jurisdiction exist because (i) there is complete diversity of citizenship between Plaintiff, a Virginia citizen, and Defendants, and (ii) the amount in controversy exceeds \$75,000. Defendant Harsheth Uma Shankar is a citizen of India who is temporarily in the United States on a student visa. *See Rodriguez-Diaz v. Sierra-Martinez*, 853 F.2d 1027, 1029 (1<sup>st</sup> Cir. 1988) (“State citizenship for diversity purposes is ordinarily equated with domicile. A person's domicile is the place where he has his true, fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.”) Defendant Crown Rib, LLC is a Delaware limited liability company whose sole member is Asbury Automotive North Carolina Dealership Holdings LLC, a Delaware limited liability company whose sole member is Defendant Asbury Automotive North Carolina, LLC, a Delaware limited liability company whose sole member is Asbury Automotive Group LLC, a Delaware limited liability company whose sole member is Asbury Automotive Group, Inc., a Delaware Corporation with its principal place of business in Georgia. *See General Tech. Applications, Inc. v. Exro Ltda*, 388 F.3d 114, 121 (4<sup>th</sup> Cir. 2004) (A limited liability company is “an unincorporated association, akin to a partnership for

diversity purposes, whose citizenship is that of its members.”) Accordingly, this Court has diversity jurisdiction over Plaintiff’s lawsuit pursuant to 28 U.S.C. § 1332.

5. Removal of this case is proper under 28 U.S.C. § 1441(b) because removal is based on diversity of citizenship. Removal is also proper pursuant to 28 U.S.C. § 1446(b)(3) because Defendants’ Notice of Removal is filed within 30 days after receipt by Defendants of a pleading, motion, order or other paper - in this case, Plaintiff’s Complaint - from which it may first be that the case is one which is or has become removable. Defendants’ Notice of Removal is also proper pursuant to 28 U.S.C. §1446(c)(1) because the removal is filed within one year after commencement of the action, which was May 16, 2019.

6. The amount in controversy exceeds the required threshold of \$75,000, exclusive of interests and costs. *See* 28 U.S.C. § 1332(a)(1). Specifically, the Complaint demands Defendants, “jointly and severally” pay the Plaintiff \$350,000.00. *See Exhibit B.*

#### **Venue**

7. Venue is proper in this district and division because they encompass the City of Richmond, the forum where this matter was originally filed. *See* 28 U.S.C. § 1391; *See also* Local Civil Rule 3(C).

#### **Notice and Consent**

8. Concurrent with the submission of this Notice of Removal, Defendants will file a "Notice of Filing for Removal" with the Clerk of the Richmond City Circuit Court and will attach a copy of this Notice of Removal thereto. These filings confer exclusive jurisdiction over this matter upon this Court and divest the state court of jurisdiction over these proceedings. *See* 28 U.S.C. § 1446(d); *See also Burroughs v. Palumbo*, 871 F. Supp. 870, 871 (E.D. Va. 1994) ("It is

clear that the filing of the notice of removal in the state court terminates the state court's jurisdiction.").

9. Defendants have given the undersigned attorney authority to sign and file this Notice of Removal.

WHEREFORE, Defendants Harsheth Uma Shankar, Crown Rib, LLC and Asbury Automotive North Carolina, LLC respectfully request that the action captioned as *Cindy Farnor v. Harsheth Uma Shankar, et al.*, CL No.19002597-00, pending in the Circuit Court for the City of Richmond, be removed to this Court, and that this court exercise its subject-matter jurisdiction over this action, and for such other relief as the Court may deem just and proper.

Respectfully submitted,

HARSHETH UMA SHANKAR,  
CROWN RIB, LLC, and  
ASBURY AUTOMOTIVE NORTH  
CAROLINA, LLC.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of June, 2019, a true and accurate copy of the foregoing was sent *via electronic mail* to the following counsel of record for Plaintiff. I further certify that on the 26<sup>th</sup> day of June, 2019, a true and accurate copy of the foregoing was sent *via U.S. Mail and facsimile* to the following counsel of record for Plaintiff:

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